

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE

## **MEMORANDUM AND ORDER**

All pretrial motions in this case have been referred to the undersigned pursuant to 28 U.S.C. § 636(b) for disposition or report and recommendation regarding disposition by the District Court as may be appropriate. This matter is before the Court on the defendant's Motion to File Motion to Suppress Evidence Late [Doc. 12], which was filed on August 22, 2008. The defendant requests that he be allowed to file a suppression motion after his August 19, 2008 motion-filing deadline because after additional investigation in the case, he has determined that such a motion has merit. Also on August 22, 2008, the defendant anticipatorily filed his proposed Motion to Suppress Evidence [Doc. 13]. On August 27, 2008, the government filed a response [Doc. 16] in opposition to the suppression motion that did not state an objection to its being filed out of time. Finding good cause exists to permit the suppression motion to be filed outside of the deadline previously established by the Court, the undersigned hereby **GRANTS** the Motion to File Motion to Suppress Evidence Late [Doc. 12] and accepts the late-filed Motion to Suppress Evidence [Doc. 13] as timely filed. See Fed. R. Crim. P. 12(e).

The Court will hold an evidentiary hearing on the Motion to Suppress Evidence [Doc. 13] at the pretrial conference set for **September 15, 2008, at 2:00 p.m.** The Court requests that the parties check with their witnesses to assure their appearance at this hearing. The Court will also take up the issue of the September 23, 2008 trial date at this time.

**IT IS SO ORDERED.**

ENTER:

s/ C. Clifford Shirley, Jr.  
United States Magistrate Judge